

PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) <u>GC-471-US</u>
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First named inventor: Barry J. Marshall

International (PCT) Application No.:

U.S. Application No.: 10/070,238
(if known)Filed: PCT/AU00/01047
February 28, 2002Title: Methods and Devices For Obtaining Samples
From Hollow Viscera

Attention: PCT Legal Staff

Box PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee--required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 640.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s) in the form of

the national fee (\$461.00) (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

37/12/2002 KAYAGH 00000049 10070238

01 FC:241

640.00 DP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

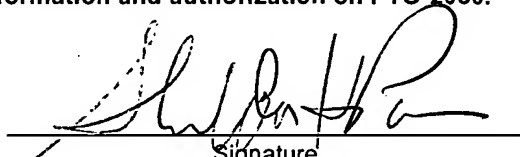
- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 24, 2002
Date

Telephone
Number: (434) 817-6606


Signature

Sheldon H. Parker
Typed or printed name

300 Preston Ave., Suite 300
Address

Charlottesville VA 22902

- Enclosures: ☐ Response
☒ Fee Payment
☐ Terminal Disclaimer Form
☐ _____

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below, with sufficient postage, as first class mail in an envelope addressed to: Attention: PCT Legal Staff, Box PCT Assistant Commissioner for Patents, Washington, D.C. 20231

Eden Brown
Person making Deposit

May 24, 2002
Date


Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named Inventor: Barry J. Marshall

Docket Number: GC-471-US

Application No: 10/070,238

PCT Appln No: PCT/AU00/01047

Filed: February 28, 2002

Title: Methods and Devices for Obtaining Samples from Hollow Viscera

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**

Sir:

The above-identified application became abandoned for failure to timely pay the full U.S. Basic National Fee prior to the expiration of the time set in 37 CFR 1.494(b), namely February 28, 2002. The date of abandonment is the day after the date on which the 35 U.S.C. 371 (c) requirements were due.

Applicant hereby petitions for revival of this application. The entire delay in payment of the required fees from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Enclosed herewith is a copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371, as previously submitted on February 28, 2002, indicating a fee due of \$481.00. Also enclosed is a check for \$1,121.00 as payment of the U.S. Basic National Fee and the Petition Fee (37 CFR 1.17(m)). Since the

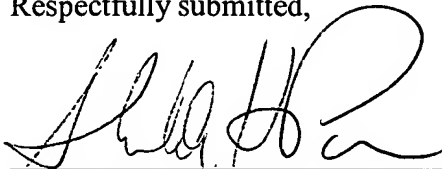
international application was filed on or after June 8, 1995, no terminal disclaimer is required.

The Commissioner is hereby authorized to charge any deficiency in fees to Deposit Account No. 16-0478.

Respectfully submitted,

Date: May 24, 2002

By:


Sheldon H. Parker, Reg. No. 20,738

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